UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,952	09/26/2003	Denny Jaeger	4337	7292

7590	04/22/2005

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EXAMINER
BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-26* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,2,5-9,14,15 and 18-22* is/are rejected.

7) ☒ Claim(s) *3, 4,10-13, 16, 17, and 23-26* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The IFW filed indicates color photographs are present in an artifact file, however,
the required petition, petition fee, and language in the specification are not present in
the IFW file. Color photographs and color drawings are not accepted unless a petition
filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by
the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color
photographs, as appropriate, and, unless already present, an amendment to include the
following language as the first paragraph of the brief description of the drawings section
of the specification:

> The patent or application file contains at least one drawing executed in color. Copies of this patent or
> patent application publication with color drawing(s) will be provided by the Office upon request and
> payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings
and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

Specification

2.   The disclosure is objected to because of the following informalities:

in paragraphs 0037 and 0054 the serial nos. of the U.S. Patent Applications is
missing and they need to be inserted;

in paragraph 0033 in the last sentence 2B should be 2b;

in paragraphs 49 and 50 and figures 6, 7a, and 7b reference number 32 is also
used as a data value "32" which in the drawings leads to confusion which "32" in figure
7a and 7b is reference number 32 and which is data "32";

in paragraph 0077 figure 5 is made reference to as showing selecting a color,

however, figure 5 does not show selecting a color; and

in paragraph 0114 at lines 1 and 3 "processing device 106" should be changed to

"processing device 105".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1, 2, 5-9, 14, 15, 18-22 are rejected under 35 U.S.C. 102(b) as being

anticipate by Schott, U.S. Patent No. 5,619,631.

Schott teaches with reference to figures 26A to 26F, column 27 lines 25-49,

column 28 lines 50-61, and column 30 lines 38-48 selectively associating a graphic

control device 480,482 to a specific pie chart location, moving one graphic control

device, and changing associated numeric values.

A detailed analysis of the claims follows.

Claim 1:

Schott teaches a method for creating and manipulating graphic charts (*Pie charts are shown in figures 26A to 26F.*), said method comprising:

displaying graphic control devices (*480, 482*) that are controllable by a user to change numeric values (*Figures 26C-26E illustrate the user moving 480 which causes numeric values corresponding to the controlled pie slice to change.*) of said graphic control devices;

selectively associating said graphic control devices to a graphic chart (*Figures 26A and 26B show symbol moved from one pie to another pie, this meets the selectively associating clause of this claim.*) to be created so that said numeric values of said graphic control devices correspond to chart components of said graphic chart; and

displaying said chart components to create said graphic chart, said chart components visually representing said numeric values of said graphic control devices (*Figures 26A-26F show the display of pie chart and percentages representing the numeric values.*).

Claim 2:

Schott teaches the method of claim 1 further comprising:

changing a numeric value of a selected graphic control device of said graphic control device (*Figures 26C-26F show the user moving the graphic control device 480 which changes internal associated numeric values to change.*); and

changing the size of one of said chart components that corresponds to said

selected graphic control device to reflect said changing of said numeric value (*Figures*

26C-26F show changing the size of a pie slice corresponding to the changing numeric

value.).

Claim 5:

Schott teaches the method of claim 1 wherein said displaying of said graphic

control devices includes programming said graphic control devices with at least one of

text and numeric value (*This is a very broad claim which includes the programming*

involved in generating the symbols 480, 482 and controlling the pie slices and numeric

values. This is inherently taught in Schott. A similar argument can be made that the

text next to the numeric region such as the Western Region meets this broad limitation

also.).

Claim 6:

Schott teaches the method of claim 1 further comprising displaying a chart key

(*The chart display in text and associated color block and percentages.*) that

corresponds to said graphic chart, said chart key including informational data

associated with said chart components of said graphic chart (*The chart display displays*

the block color and its numeric value.).

Claim 7:

Schott teaches the method of claim 6 wherein said informational data associated

with said chart components included in said chart key comprises one of label (*A label*

such as New York Office is shown as one of the chart components.), color (*The block*

next to the name indicate the color of the pie slice.), relative percentage (*The next item*

in the chart is a percentage.), and a numeric value (*Note the use of "a" rather than*

"said", thus, this numeric value can be considered two ways. First: It is considered to be

a different numeric value from the numeric value defined in parent claim 1. Then it is

met by percentage because percentage is also a numeric value since it is a number.

Second: It is the same numeric value defined in parent claim 1. Then it is met by the

numeric value created by moving the graphic control device 480 and used by the chart

component program to form the displayed percentage).

Claim 8:

Schott teaches the method of claim 6 further comprising:

changing an element of said informational data (*The displayed percentage*

changes as the user moves the graphic control device 480.); and changing related

elements in said graphic control devices (*The user moves the graphic control device*

480 which is changing an element of the graphic control device.) and said graphic chart

in response to said changing of said element of said informational data (*The area of the*

pie slice controlled by the moving graphic control device 480 changes as the user

moves the graphic control device 480.).

Claim 9:

Schott teaches the method of claim 6 further comprising:

changing a numeric value of a selected graphic control device of said graphic

control device (*As the user moves graphic control device 480 a numeric value*

corresponding to the pie slice controlled by graphic control device 480 changes.);

changing the size of one of said chart components that corresponds to said

selected graphic control device in response to said changing of said numeric value (*The*

area of the pie slice controlled by the moving graphic control device 480 changes as the

user moves the graphic control device 480.); and

changing said information data included in said chart key to reflect said changing

of said numeric value (*As the user moves graphic control device 480 the displayed*

percentage corresponding to the pie slice controlled by graphic control device 480

changes which causes the total information data, name and percentage, to change.).

Claim 14:

Schott teaches a storage medium readable by a computer (*See column 10 lines*

38-62.), tangibly embodying a program of instructions executable by said computer to

perform method steps for creating and manipulating graphic charts, said method steps

comprising:

displaying graphic control devices that are controllable by a user to change

numeric values of said graphic control devices (*This limitation was addressed in the*

analysis of claim 1.);

selectively associating said graphic control devices to a graphic chart to be

created so that said numeric values of said graphic control devices correspond to chart

components of said graphic chart (*This limitation was addressed in the analysis of claim*

1.); and

displaying said chart components to create said graphic chart, said chart

components visually representing said numeric values of said graphic control devices

(*This limitation was addressed in the analysis of claim 1.*).

Claims 15 and 18-22:

The method of these claims corresponds to method claims 2 and 5-9. Thus,

these claims are rejected for the reason given for parent claim 14 and for the reasons

given for claims 2 and 5-9.

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Blades et al., U.S. Patent No. 5,990,888, teaches with reference

to figures 3B to 3G and column 5 lines 44-47 associating a graphic control device 316,

317, 318 to a specific bar graph location (A, B, C), moving one graphic control device,

and changing associated numeric values 308, 310, 312, and 314.

Allowable Subject Matter

6.   Claims 3, 4,10-13, 16, 17, and 23-26 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

Claims 3 and 16:

The prior art of record fails to teach or suggest deleting a selected graphic control

device of said graphic control devices; and removing a chart component that

corresponds to said selected graphic control device from said graphic chart.

Claims 4 and 17:

The prior art of record fails to teach or suggest associating an additional graphic

control device having a numeric value to said graphic chart; and inserting an additional

chart component into said graphic chart in response to said associating of said
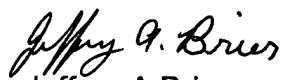
additional graphic control device,

Claims 10-13 and 23-26:

The prior art of record fails to teach or suggest associating an additional graphic

control device having a numeric value to said graphic chart and a second graphic chart;

and inserting a first additional chart component into said graphic chart and a second

additional chart component into said second graphic chart in response to said

associating of said additional graphic control device

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffery A Brier
Primary Examiner
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